

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CAPITAL ONE BANK USA, N.A.,	:	NO. 1:11-CV-395
	:	
Plaintiff,	:	
	:	
vs.	:	<b>ORDER</b>
	:	
ADRIENNE OGLETREE,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 9), to which there were no objections. However the Court does note that Defendant filed a "Notice of Invocation of Rights and In Forma Pauperis" on August 29, 2011, which the Court will construe as an Objection.

The Magistrate Judge found that Defendant's motion to proceed in forma pauperis should be denied, because Defendant offered no information with regard to her finances, assets, and debts (doc. 9). As such, the Magistrate Judge concluded the Court was unable to ascertain whether Defendant has sufficient funds to pay the full filing fee of \$350.00 in order to remove this action from Hamilton County Municipal Court (Id.). Accordingly, the Magistrate Judge recommended that Defendant be granted ten days to pay the required filing fee or have this matter remanded back to the state court (Id.).

Defendant's "Notice," appears to protest any inquiry into

her financial status, and offers still no information by which the Court can ascertain her financial status. The Court, having reviewed this matter de novo pursuant to 28 U.S.C. § 636, finds the Magistrate Judge's Report and Recommendation thorough, well-reasoned, and correct.

Accordingly, the Court hereby ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation (doc. 9) in all respects, DENIES Defendant Ogletree's Motion to Proceed in forma pauperis, and GRANTS Defendant an extension of time, of ten (10) days from the date of this Order, to pay the required filing fee of \$350.00. The Court hereby notifies Defendant that her notice of removal will not be deemed "filed" until the appropriate filing fee is paid. Truitt v. County of Wayne, 148 F.3d 644, 648 (6<sup>th</sup> Cir. 1998), and that if she fails to pay the filing fee within ten days, the Court will remand this matter back to state court.

SO ORDERED.

DATED: August 31, 2011

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge